

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICKEY FOWLER, et al.,

CASE NO. C15-5367 BHS

**Plaintiffs,**

## ORDER

V.

TRACY GUERIN,

**Defendant.**

13        THIS MATTER is before the Court following the Washington Supreme Court's  
14 September 8, 2022 Opinion regarding the requirements for equitably tolling a limitations  
15 period under Washington law, Dkt. 161, and on the parties' resulting Joint Status Report,  
16 Dkt. 162.

When the Court informed the parties that it intended to certify a question to the Washington Supreme Court, Dkt. 153, it reserved ruling<sup>1</sup> on the Defendant Director's

<sup>1</sup> The Court’s Order also reserved ruling on Fowler’s motion to approve formula, Dkt. 111, and on the Director’s motion to exclude experts, Dkt. 144. If necessary, these motions will be addressed following the Court’s resolution of the limitations period/equitable tolling motions.

1 Motion for Summary Judgment, Dkt. 98, and on Plaintiff Fowler's Motion for Summary  
2 Judgment on the Director's limitations period affirmative defense, Dkt. 103. The  
3 Supreme Court's opinion permits this Court to address these motions.

4 The parties' Joint Status Report indicates that they agree to filing supplemental  
5 briefing on this issue, and such briefing would be helpful. The parties are therefore  
6 **REQUESTED** to each file a supplemental brief on the limitations period/equitable  
7 tolling issues raised in Dkts. 98 and 103. The briefs should be filed by October 17, 2022  
8 and should not exceed 15 pages. Each party may file a responsive supplemental brief not  
9 exceeding 10 pages by October 31, 2022.

10 The underlying motions, Dkts. 98 and 103, are **RE-NOTED** for November 11,  
11 2022. The parties' request for a status conference will be addressed separately and will  
12 likely be granted.

13 IT IS SO ORDERED.

14 Dated this 19th day of September, 2022.

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BENJAMIN H. SETTLE  
United States District Judge